

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KELLSTONE, INC.,)	CASE NO.1:06CV804
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
ZURICH AMERICA INSURANCE CO.)	ORDER
ET AL.,)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Plaintiff Kellstone, Inc.'s Motion for Federal Rule of Civil Procedure 41(a)(2) Voluntary Dismissal Without Prejudice (ECF #22). Defendant's counsel informed the Court, via telephone, that Defendants do not oppose the Motion. Therefore, Plaintiffs' Motion is GRANTED and the captioned case is DISMISSED WITHOUT PREJUDICE, with the condition that, if Plaintiff Kellstone, Inc. re-files, it must pay the reasonable attorney fees and costs of any duplication of legal services by Defendants, up to the date of the dismissal.

IT IS SO ORDERED.

5/16/07
Date

Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

FILED

MAY 15 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND